

### **REMARKS**

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended during the recent in person interview granted to Applicant's attorney on September 18, 2007. The amendments and remarks made by this paper are consistent with the proposals presented during the interview.

The Final Office Action mailed July 24, 2007, considered and rejected claims 1-26 and 28. Claims 1-5, 12, 13, 15, 16, 18 and 21-26 were rejected under 35 U.S.C. 102(e) as being anticipated by Alexander (US 6,177,931) hereinafter Alexander. Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Knudson (US 2005/0216936) hereinafter Knudson. Claims 8-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Ching et al. (US 2001/0003184) hereinafter Ching. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Flickinger et al. (US 2005/0210502) hereinafter Flickinger. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Thomas et al. (US 2005/0251824) hereinafter Thomas. Claims 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of Ohkura et al. (6,347,400) hereinafter Ohkura.

By this paper claims 1 and 25 have been amended, new claims 29-30 have been added and claim 26 has been cancelled. Accordingly, following this paper, claims 1-25 and 28-30 remain pending, of which claims 1 and 25 are the only independent claims at issue.<sup>1</sup>

As discussed during the interview, the present invention is generally directed to embodiments for placing targeted video segments based on remotely issued target instructions and locally stored state and user information. As recited in claim 1, for example, state and user behavior characteristics associated with a video receiver are monitored locally and stored only at the video receiver. These characteristics include data identifying which video segments have already been displayed at the video receiver within a preceding time period. The receiver also receives multiple video segments from a stream, and further receives from the stream remotely issued executable instructions that can cause the receiver to select a particular video segment

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<sup>1</sup> Support for the claim amendments is found throughout the application, including the disclosure found in ¶¶ [0011] & [0061] and Figure 5, as well as the other related disclosure that was referenced and reviewed during the interview.

based on the locally stored characteristics. As further recited, the remotely issued executable instructions are further processed by using the locally stored characteristics to cause the video receiver to select the particular video segment, and based on whether the segment has already been displayed within the preceding period of time that is monitored. The selected video segment is then caused to be displayed in a window on the display device, simultaneously with the display of primary content that is displayed in a separate window.

Independent claim 25 recites a computer program product that has computer readable media with computer-executable instructions for performing a method generally corresponding to the method of claim 1.

Alexander is newly being cited as an anticipatory reference in rejecting the independent claims. However, as discussed and generally agreed to during the interview, it does not appear as though Alexander teaches or suggests all of the limitations of the claims, and particularly in their amended claim format. While Alexander does generally relate to embodiments for targeting advertisements in a customized EPG, Alexander clearly fails to anticipate or render obvious the claimed invention that includes selecting and inserting advertisements based at least in part on a determination that the video segment has not already been displayed within a preceding period of time, and as recited, for example, in combination with the other recited claim elements.


The other cited art also fails to compensate for the inadequacies of Alexander in this regard. Accordingly, each of the independent claims, and corresponding dependent claims are allowable over the cited combination of art, and such that it is not necessary to individually address each of the rejections to the dependent claims or the asserted merits of the other cited art at this time. It will be appreciated, however, that this does not mean the other dependent claims do not present even more reasons for distinguishing the claims from the cited art. For example, as discussed during the interview, there are many additional embodiments and features recited in the dependent claims that even further distinguish the claims from the cited art, including the embodiments found in new claims 29 and 30, wherein the selection of the video segment is further based on the determination that a user has not already subscribed to a particular channel or navigated to a particular web site.

For at least the foregoing reasons, as well as the others discussed during the interview, Applicant respectfully submits that the pending claims are in condition for immediate allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 4<sup>th</sup> day of October, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Nydegger', with a stylized flourish at the end.

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